[श्री भजन लाल]

वक्त जो सूचना हमारे पास है वह यही है और सही है ।

ठाकुर जगतपाल सिंह : श्रीमन्, मैं केवल एक बात कहना चाहता हूं । उधर के माननीय सदस्यों ने कहा कि इस तरह की नेचुरल कैलेमिटीज के वक्त मदद करना चाहिए । मैं जानना चाहता हूं कि वे किस तरह की मदद करना चाहते हैं ? आप वहां क्यों नहीं जाते हैं ? वहां जाइए और लोगों की मदद कीजिये । आपको सेवा करने से कौन रोक रहा है ?

उपसभाध्यक्ष (श्री सत्य प्रकाश मालवीय) अब हम परिनियत संकल्प पर पुनः विचार शुरू करते हैं । श्री एम० हनुमंत राव ।

I. Statutory Resolution seeking disapproval of the National Security (Amendment) Ordinance, 1988

II. National Security (Amendment) Bill, 1988—Contd.

SHRI MOTURU HANUMANTHA RAO (Andhra Pradesh): Mr. Vice-Chairman, Sir, it is very unfortunate that we have, immediately after discussing this ghastly tragedy of the earthquake, to discuss this National Security Act which is man-made and a man-made calamity also. I stand to oppose this amendment as well as the original Act itself. It is sought to be made out that it is a very simple thing: to extend it by one year. I am opposed to this because it is a Draconian Act which has been there on the Statute Book almost ever since our independence. It is so much identified with the Congress rule in the past, and the present Congress (I) rule also is continuing it, except for a brief period of one or two years when Shrimati Indira Gandhi could not get the required majority; except that period it has been all through there and also except when she was thrown out of power and the Janata Government came into power.

[The Vice-Chairman (Shri H. Hanumanthappa) in the Chair]

So, Sir, this is a most undesirable Act which is against the Fundamental Rights which are given by the Constitution. And it has been practised by the Congress Government as if it is a normal thing. It is an unfortunate thing. The hon. Home Minister says that it would be extended only by a year and as soon as it is possible it would not be there on the Statute Book. That has not been so. The experience shows that the Congress Government could never get on without this repressive measure being there. Very frequently, most of us have been victims of either the Preventive Detention Act or of the National Security Act or some other Act. This repression is very much identified with the Congress rule. It is such a draconian law that nobody desires it. Although we are all the time saying that it is the most democratic country, we are actually living in a real police state. That is the actual practice.

Although the Act is being amended in the name of Punjab, it has got all-India repercussions also. It is an amendment to an all-India Act which hangs on us as a democles sword. So, naturally, automatically, it may be extended to all the States at any time. That is the fact of this democracy. It is now being presented in the name of Punjab. It is being argued that there is an extreme circumstances prevailing and that is why the Government has brought in such a measure. That is what is stated here. Although there were no disturbances in the past or there were no disturbing events as in Punjab today anywhere, this law has been kept always on the Statute Book. So, to say now that it is only in the case of Punjab or that it is in the context of Punjab that it has been brought forward is not true.

Another thing that I want to bring to your notice, Mr. Vice-Chairman, is that many trade union leaders have been repeatedly detained under this National Serity Act. That means that it has been misused awfully and repeatedly. Not only that, if we take the case of Tamil Nadu where the President's rule is there, just on the eve of Bharat Bandh, i.e. March 15, almost 30,000 people were taken into

custody in the name of preventing disturbances. So, was it used or misused? So, its life is being extended deliberately to see that all legitimate activities and protests are prevented. It is not simply to prevent a disturbance or a rebellion or anything like that. Even in Punjab some 1800 people were arrested between 1986 and 1988. They were detained. The Advisory Boards have recommended the release of almost 1200 people. So, we can gauge the gravity of these illegal detentions by means of this figure. The question is that if so many people could be detained illegally for three months, the hon. Minister comes forward as if it is not enough. To extend such illegal detentions by six months,, that is the result of his amendment. So, Sir. this is a very bad, black Act and this should not be extended and this should not be there. Our Party, the Communist Party of India (Marxist) has been consistently opposing it ever since its birth. Though our Party was leading in two or three States, even there we refrained from making use of this National Security Act. So, Sir, in spite of so many difficulties and disturbances we can, provided there is a political will, get along with the Acts that are already there and things can be prevented if a political decision is taken and if a political solution is arrived at. In the case of Punjab political solution is not taken at all. It has been eternally postponed. The issues are already there. The Longowal-Rajiv Accord is there and added to that the Jodhpur detenues are to be released. They are illegally kept there. And in the city of Delhi, our capital city, some, near about three thousand people were massacred and their widows were demonstrating on the 12th of August at the Boat Club to express their grievances and to draw attention to their miserable plight. May I ask why these things are kept pending so long? Why those people who massacred others were not taken into custody and charged? Why these widows were not given sufficient means to survive? Why these Jodhpur detenues, who are said by everyone to be innocent, why those people are kept in detention and why their detention is prolonged? No attempt is being made to solve these problems. Simply extending these repressive measures will not help. This is not the way of solving our problems. So, I ask the hon. Minister that he should withdraw this amendment and do not make it more stringent than what it already is.

श्री दरबारा सिंह (पंजाब) : वाइस चेयरमैन साहब मैं जो बहुत शार्ट में कहना चाहता हूं वह यह है कि यह अमेंडमेंट सिर्फ पंजाब और चंडीगढ़ के लिए है। इसका मतलब यह है कि वहां जो हालात हैं उनको काबू करने के लिए कुछ ऐसे मेजर्स लेने चाहिएं जिससे उन हालात को नार्मल्सी में बदला जा सके। लेकिन यह बहस इस हद तक चली गई कि इसका इस्तेमाल पता नहीं दूसरी किसी और जगह होने वाला है। यह कहा गया यहां कि सिविल राइटस को हजम कर दिया गया है। साथ ही यह भी कहा गया कि सिविल लिबर्टीज को इससे बड़ा नुकसान पहुंचा है। जिन लोगों को अभी पकड़ा जा रहा है या जिनके खिलाफ लोगों को किल करने के आपके इल्जामात हैं वे घूमते रहें और लोगों को मारते रहें? मुझे आपोजीशन वाले इस बात की एक मिसाल दें कि जिन लोगों ने कत्ल किये हैं अगर वे पकड़े जाते हैं तो एक भी गवाह आने के लिए तैयार है? जो यह कहे कि पहले ऐसा हुआ। पहले दिनों में लोग गवाही के लिए गये और कोर्ट से वापिस निकलते ही उनको मार दिया गया। तो मुझे समझाइये कि ऐसे आदमियों का जो कतल करना जानते हैं, उनका न कोई मजहब होता है।

वहां मजहब के बारे में एक साहब ने कहा कि उनका मजहब, जो साइकी है, वह ऐसी है। इसीलिए तो हम कहते हैं कि सियासत को अलेहदा करना चाहिए जिससे कि सियासी लोगों का मजहब में दखल न हो और मजहबी लोगों का सियासत में दखल न हो। इसी वजह से तो वह रिलीजन के नाम पर कहते हैं कि हमारा रिलीजन खतरे में है। रिलीजन खतरे में उनकी वजह से है। उन्होंने रिलीजन को खत्म किया है। जैसा किसी किलर का मैंने कई दफा कहा है कि किलर का कोई मजहब नहीं होता,

[श्री दरबारा सिंह]

उसका मजहब तो किलिंग करना होता है।

एक वकील साहब यहां बोलते रहे और कहते रहे कि उनकी सिविल लिबर्टीज खत्म कर दी है, उनका यह किया है, वह करना चाहिए और यह करना चाहिए। मैं समझता हूं कि जस्टिस होना चाहिए। इसमें कोई दो राय नहीं है। लेकिन जस्टिस उसका भी होना चाहिए जिनके आदमी कतल हुए हैं, जिनके घर लोग बैठे हैं, जिनकी विडोज बैठी हैं, जिनके यतीम बच्चे बैठे हैं, उनको भी इन्साफ मिलना चाहिए। वह इन्साफ आप नहीं दिलवा सकते। कोर्ट में जाने के लिए उनको मुश्किल है जो लोग गवाही देना चाहते हैं। यह कहना कि फेक एनकाउंटर हो रहे हैं—हम जानते हैं कि फेक एनकाउंटर हो रहे हैं या किलर्ज जो हैं, वह आकर मार जाते हैं और पाकिस्तान की तरफ से आकर, वहां से ट्रेनिंग लेकर यहां वह खत्म कर जाते हैं। उनका क्या करें? उनसे मुहब्बत करें और उनको खाने-पीने के लिए अच्छा दें, उनको लूटने के लिए इजाजत दें बैंकों को लूटने के लिए इजाजत दें। जो कुछ हो रहा है, उसके मुताबिक हमें इसको कंट्रोल करने के लिए कुछ न कुछ तो करना होगा।

इसलिए यह अमेंडमेंट लाई गई है। इसके जरिए हम नहीं चाहते कि इसका दुरुपयोग हो, इसको गलत तौर पर इस्तेमाल करे, यह हम मानते हैं। लेकिन सब से बड़ा अफसर जो है डिस्ट्रिक्ट में और वह है डिप्टी कमिश्नर, जिसको इजाजत है कि वह किसी आदमी को इस ढंग से सेक्यूर्टी में ले सकता है, जो आदमी ऐसा काम करने वाला हो और फिर उसके लिए हमने इजाजत मांगी है कुछ अरसे के लिए। यहां बड़ी मिसालें दी गई हैं, लेकिन अब हालात पिछले हालात से मुख्तलिफ हैं, आज से दस साल पहले कुछ और हालात थे, मुल्क की आजादी से पहले कुछ और हालात थे, जब मुल्क आजाद हुआ है, डेवेलपमेंट की एज आई है, इसमें कई खुराफात भी बढ़ी हैं, क्राइम भी बढ़ा है। सब कुछ होता है, क्योंकि आबादी भी ज्यादा है। आबादी के लिहाज से तनासुब वही अगर हम देखें, तनासुब वही पिछला है, लेकिन आबादी ज्यादा बढ़ने से वह ज्यादा मालूम होता है। ठीक है, लेकिन इसका कंट्रोल दूसरे सूबों में हो रहा है।

हमें बर्तानिया की मिसाल न दें बर्तानिया की मिसाल क्या है? वहां झगड़े कुछ और हैं। आज की अखबारों में आपने पढ़ा होगा कि कैसे हालात अभी भी पाकिस्तान की तरफ से हमारे नामुआफक से मालूम होते हैं। हो सकता है कि वह अच्छे हो जाएं। मुझे पता नहीं, लेकिन हमें वाच करना चाहिए। वहां से अगर हालात खराब हुए हैं, तो उस पर रोक लगाने की हमारी कोशिश है। हमारे ताल्लुकात पाकिस्तान से अच्छे बन पायें, उससे ज्यादा कोई बात नहीं है, वह एप्रिशिएबल बात होगी। लेकिन अगर हालात ऐसे ही रहे, तो हमें और कई ढंग से सोचना पड़ेगा। किसी ने उठ कर यह नहीं कहा है कि अमेंडमेंट जो है वह जून, 1989 तक मांगी है, इसके बाद नहीं और उस वक्त तक हालात जो हैं, मुझे यह उम्मीद है कि हालात कन्ट्रोल करने के काबिल बन जायेंगे और यही उम्मीद है और कौन नहीं चाहेगा, हम सब चाहते हैं कि डेमोक्रेसी आनी चाहिए और लोकराज आना चाहिए, वोट राज आना चाहिए पापुलर गवर्नमेंट आनी चाहिए। कौन इससे इन्कार करेगा लेकिन इन्कार इस लिए करते हैं हम कि अभी वह वक्त नहीं है कि जब इस ढंग से डेमोक्रेसी को वहां ला सकें, जिसमें फुल-फलेज्ड वोट डाल करके अपनी हकूमत बना सकें। पीछे हुकूमत बनी, जिन्होंने कोई काम नहीं किया और हुकूमत के जो रीजल्म हैं, जो उसके पसे-पर्दा हुआ है, वह हमें अब भी खराब कर रहा है।

इसलिए मैं अर्ज करता हूं कि इस पर ज्यादा बहस करने की बजाए हमें इसको मंजूर करना चाहिए ताकि पंजाब में जितना कंट्रोल हुआ है, उसमें ज्यादा कंट्रोल बढ़ कर पायें और पुलिस और दूसरी एडमिनिस्ट्रेशन जो है, जो अपने पूरे जोर से लगा हुआ है इस बात के लिए—आपने देखा है कि इतने लोग जो

पुलिस के हैं, बड़े-बड़े अफसर हैं, उनका कतल हुआ है और दूसरे भी जो लोग मारे गये है, जिस कम्युनिटी के लोग जो किलिंग करते हैं, उस कम्युनिटी के 95 फीसदी लोग नहीं चाहते कि किलिंग जारी रहे और दूसरी कम्युनिटी भी नहीं चाहती, लेकिन कुछ लोग सोफिस्टिकेटिड वैपन्स इधर-उधर से, कहीं न कहीं से स्नीक करके, इधर-उधर से घूम-घाम करके फिर भी कत्ल करते जाते हैं। लेकिन मैं समझता हूं कि आपको एक बात करनी चाहिए। पुलिस को डी-

4.00 P. M

मारेलाइज़ करने के लिए यहां बहुत कुछ कहा गया। किसी के नाम पर यह बातें कहना मैं समझता हूं कि यह भी डिसर्विस है, इस हाउस में ऐसी बातें उठाना और यह केन्द्रीय सरकार का काम है कि वह देखे कि कैसे करना है और कैसे नहीं करना है। यहां सवाल उठाकर तो आप सारे पंजाब की पुलिस को डी-मारेलाइज़ कर रहे है। बजाय इसके कि आप पोजिटिव बात अपनी तरफ से बताएं आप नैगटिव बातों पर यकीन कर रहे हैं और यहां कह रहे हैं। यहां पर बहुत बुरी बातें कहीं गई मैं उनको दोहराना नहीं चाहता। जितने जस्टिस हैं उनको भी कहा गया कि वे इनफीरियर टाइप के हैं। यह कैसी बातें आप कहते हैं? आप खुद उनके सामने पेश होते हैं और खुद वहां वकालत करते हैं और फिर यहां हाउस में आकर कहते हैं कि इनफीरियर टाइप के रखे हुए हैं। मैं समझता हूं कि इससे ज्यादा और कोई बुरी बात हो नहीं सकती। जितनी जज के खिलाफ यह बात यहां कही गई है यह नहीं कहनी चाहिए। उनकी हम रिसपैक्ट करते हैं, उनकी जजमैंट की रिसपैक्ट करते हैं, हम हाई कोर्ट की रिसपैक्ट करते हैं और हम सुप्रीम कोर्ट की रिसपैक्ट करते हैं। सुप्रीम कोर्ट में काम करने वाले अगर यह बात उठायेंगे कि जस्टिस ठीक नहीं हैं तो मैं समझता हूं कि आज यह जगह वहीं है जिस जगह पर हमें यह कहना चाहिए और कोई अलफाज़ मुंह से कही जाएं और वह आदमी कहे जिसे वहां रोज पेश होना है, सर और यह कहना कि I would like to place these things before you; I would like to submit this before you.

सबमिशन करते हैं और यहां उनके खिलाफ कहते हैं। मुझे यह बातें और यह डुप्लीकेट बातें पसंद नहीं आती। इसलिए मैं ज्यादा न कहते हुए सिर्फ इतनी ही बात कहना चाहता था कि यह जैसे है इसको वैसे ही मंजूर किया जाए ताकि पंजाब के हालात को दुरुस्त करने के लिए यह जो इकदामात बहुत जरूरी थे वे किए जाएं। धन्यवाद

श्री बी० सत्यनारायण रेड्डी (आन्ध्र प्रदेश) : माननीय उपसभाध्यक्ष जी, मैं स्टेटुटरी रेज़ोल्यूशन जो श्री मालवीय जी ने पेश किया है उसके समर्थन में और जो बूटा सिंह जी या चिदम्बरम् जी ने जो प्रस्ताव प्रस्तुत किया है नेशनल सैक्योरिटी (अमेंडमेंट) बिल, 1988 उसके विरोध में खड़ा हूं। आप जानते हैं पंजाब की आज जो परिस्थिति है 4-5 साल से इस परिस्थिति में कोई अन्तर नहीं आया है। श्री बूटा सिंह जी हैं, श्री चिदम्बरम् जी हैं ये दोनों ही सदन में समय-समय पर पंजाब के संबंध में कुछ न कुछ लाते रहते हैं। कभी कोई वक्तव्य देते हैं और कभी कोई ऐसा ही बिल हमारे सामने लाते हैं। पंजाब के नाम पर न सिर्फ पंजाब को बल्कि सारे देश को गुमराह करने और परेशान करने की इनकी आदत हो गई है। इससे पहले भी मैंने कहा था कि बडे मंत्री और छोटे मंत्री, किसी ने कहा कि छोटे मंत्रियों की तो कोई इज्जत नहीं है यह बात नहीं है छोटे मंत्री से मेरा मतलब जूनियर से था तो आज वह शब्द मैं इस्तेमाल नहीं करूंगा, फिर नहीं करूंगा।

उपसभाध्यक्ष (श्री हेच० हनुमनतप्पा) : दोहराकर बोल रहे हैं और कह रहे हैं कि इस्तेमाल नहीं करूंगा। इस्तेमाल होने के बाद बोल रहे हैं कि इस्तेमाल नहीं करूंगा।

श्री बी० सत्यनारायण रेड्डी : तो चिदम्बरम् जी यहां पर बैठे हुए हैं, बूटा सिंह जी तो नहीं हैं, पंजाब की परिस्थिति को मद्देनज़र रखते हुए आज फिर हमारे सामने यह अमेंडमेंट बिल आया है जो कि नेशनल सैक्योरिटी (अमेंडमेंट) बिल, 1988 है यह बिल उसी से संबंध रखता है। 1980 में हमारे सामने जो बिल था वह एक्ट

[श्री बी० सत्यनारायण रेड्डी]

बन गया है वह आया था 1980 में और अब इस अमेंडमेंट के जरिए उसकी मुद्दत अब एक साल बढ़ाना चाहते हैं और 6 महीनें तक लोगों को डिटेंशन में रखा जाएगा बगैर ट्रायल के और बगैर अदालत के सामने उनका प्रोड्यूस किए बिना। प्रावधान है इस के अन्दर एडवायजरी कमेटी का, मगर 6 महीने तक किसी एडवायजरी बोर्ड के सामने पेश किए बगैर डिटेंशन में रखा जा सकता है। यह बहुत ही खतरनाक है नाइंस फीहैं। लोगों को जो आजादी है, उस पर हमला है। लोगों की बोलने की आजादी, सभाएं करने की आजादी, एक जगह से दूसरी जगह जाने की आजादी—इन सब पर यह हमला है। इसको कोई व्यक्ति, कोई राजनीतिक पार्टी या संस्था मानेगी नहीं।

उपसभाध्यक्ष महोदय, आप जानते हैं, इमरजेंसी के दौरान, हजारों लोग, मैं भी उसमें से एक विक्टिम हूं, भुक्तभोगी, हूं, 18 महीने तक बंद रहा। मैं आपके इसका यह बात रखना चाहता हूं कि इसका दुरुपयोग किस तरह से होता है? आदरणीय लोकनायक जयप्रकाश नारायण जी को मैंने हैदराबाद में निमंत्रित किया। उनकी तीन सभाएं हुई, एक हैदराबाद में एक विजयवाड़ा में एक विशाखापतनम में। उसके बाद जयप्रकाश जी वहां से गए। यह मई के महीने में हुआ। जून महीने में इमरजेंसी लागू की गयी। जहां जय प्रकाश जी और दूसरे लोगों को गिरफ्तार किया गया, वहीं लोग हमारे पीछे लग गए और हम को गिरफ्तार कर लिया गया हम ने किसी पर हमला नहीं किया, कोई हथियार नहीं उठाया, कहीं लोगों को भड़काया नहीं कि तुम हमला करो। हम 18 महीने जेल में रहे। हमारे जैसे कई लोग रहे। उनमें बड़े-बड़े डाक्टर, विद्यार्थी और सभी राजनीतिक पार्टी के लोग थे: मेरा कहने का मतलब यह है कि किस तरह से इसका दुरुपयोग किया जा सकता है। एक मर्तबा कानून सरकार के हाथ में आने के बाद इसका दुरुपयोग जरूर होगा हजारों मासूम लोग इस में तबाह होंगे। उनको परेशान किया जाएगा, उनके बाल-बच्चों को परेशान किया जायगा। इसलिए इस अवसर पर हम इस एमेंडमेंट बिल का पूरी ताकत के साथ विरोध करते हैं। मैं नहीं जानता कि श्री चिदम्बरम् जी कभी जेल में रहे हों या उनके पूर्वज लोग आजादी की लड़ायी में रहे हों या आजादी के बाद हों। अगर वे जेल में होते या पकड़े जाते तो उनको मालूम होता कि कैसी मुसीबत लोगों के ऊपर आती है। बेगुनाहगारों पर जब विपत्ति आती है तो उसको समझना बहुत ही मुश्किल है।

महोदय, मैं इस तरफ सरकार का ध्यान खींचना चाहता हूं कि यह ऐक्ट बनने से पहले कई बिल इस सदन के सामने आए। इससे पहले आप जानते हैं—द टैरेरिस्ट्स एंड डिसरप्टिव एक्ट पास हुआ, डिस्टर्ब एरिया एक्ट है और इसी सदन में 59वां एमेंडमेंट आफ कांस्टीट्यूशन पास हुआ और उसके तहत इमरजेंसी पावर्स लिए गए। लेकिन इसके बावजूद पंजाब की स्थिति वैसी ही है। उसमें कोई तब्दीली नहीं हुई। हजारों लोग आज भी अपनी जान को हथेली पर रखकर जिंदगी गुजराते हैं। सरकार पर कोई भरोसा नहीं रहा। वहां प्रेसीडेंशियल रूल है। बरनाला साहब की सरकार नहीं हैं। बरनाला की सरकार वहां की जनता से चुनी गयी थी। उस बरनाला सरकार को बरखास्त किया गया। गैर कानूनी ढंग से, अनडेमोक्रेटिकली उनको बरखास्त किया गया। गैर कानूनी तरीके से उनको बर्खास्त किया गया। बूटा सिंह जी यहां नहीं हैं। बूटा सिंह जी कहते हैं कि हम तो सबका सहयोग चाहते हैं, राजनीतिक पार्टियों का, जितनी दूसरी पार्टियां हैं, लोगों का पंजाब की समस्या के हल करने में। मैं पूछना चाहता हूं बूटासिंह जी हमने सुझाव दिया था सर्वदलीय पार्टी पंजाब में घूमें। हम गए सर्वदलीय पार्टी बनी थी तेलगु देशम की तरफ से, मैं भी उसमें था। 3-4 बार हम पंजाब में गए, बड़ी-बड़ी सभाएं कीं, लोगों में घूमे और लोगों को समझाया। हम कभी भी हथियार के साथ या सेना को साथ नहीं ले गए या सी० आर० पी० को साथ नहीं ले गए, न आधी रात को गए। हम ऐसे ही गए। लोग बड़ी दिलचस्पी से सुनते थे, बड़े प्रेम से मिलते थे। वह हमको समझाना चाहते थे कि

उनकी समस्या क्या है मगर सरकार ने उनकी समस्या को समझने की कोशिश ही नहीं की । सरकार चाहती है कि दमन नीति से इसका हल हो, इससे समस्या का कभी हल नहीं होगा । उनकी समस्याओं को समझना होगा सरकार को।

मैं चिदम्बरम् जी से, बूटा सिंह जी से या प्रधान मंत्री जी से पूछना चाहता हूं कि कितनी बार आपने उस प्रान्त का, उस राज्य का दौरा किया इन चार सालों में ? गए होंगे स्वर्ण मंदिर देखने कभी । मगर गांव में कितनी बार गए हैं ? कितने जिले हैं पंजाब के अंदर, कितने जिलों का आपने दौरा किया है, कितने दिन गुजारे वहां ? लोगों से मिले हैं, बातचीत की है, उनकी क्या तकलीफें हैं ?

एकार्ड हुआ संत लोंगोवाल और प्रधान मंत्री के बीच में । इस एकार्ड का कोई अमल आज तक नहीं हुआ । चित शुद्धि से कभी आपने प्रयत्न नहीं किया कि उस एकार्ड को अमल में लाया जाए । इनकी जिम्मेदारी भी आपकी ही है । पूर्व प्रधानमंत्री श्रीमती इंदिरा गांधी की हत्या की जिम्मेदारी सरकार की है, केन्द्र सरकार की है क्योंकि वह उनकी रक्षा नहीं कर सकी । आपको बड़े स्तर पर सेना स्वर्ण मंदिर में भेजना पड़ा । इसका नतीजा बहुत बुरा हुआ । बच्चों के गालों में, उनके पैंटिंग्स पर आर्मी पड़ा और उनका नतीजा आज देख रहे हैं और उनमें कई गुनहगार जो गिरफ्तार किए गए । जोगिंदर सिंह इनके साथ थे मगर हिरासत में मर गए । 74 साल हो गए । उनका कोई गुनाह नहीं है । आपने डिटेंशन में रखा, कैदी न आतंकवादियों के साथी थे, उनके खिलाफ कोई कार्रवाई करने की कोशिश की कि वे गिरफ्तार हैं । उनको छोड़ा जाए, कहिए था । फिर वे एजीटेशन किए आप हमारे साथी रह रहे हैं, इस के अंदर साथी की कोशिश कर रहे हैं और दूसरों साथी नामों को आप नेशनल में इन करेंगे-पंजाब के नामों का हरियाणा के नामों को, सभी नामों का आपने हल करना है । सारा देश जेरबारे में उत्तेजित होगा । आपके जो कानून दिन-ब-दिन बनते जा रहे हैं उससे आप एक दिन इस सदन को भी कैप्टिव बनाने का प्रयत्न करोगे । इसका विरोध हम सारी ताकत से करते हैं, सारा देश इसका विरोध करता है ।

अन्त में मैं यह कहूंगा कि समस्या को हल करना है, पंजाब समस्या को । आप पूरी तरह से फेल हो गए हैं, उसमें नाकामयाब हो गए हैं ।

You cannot do anything. You have completely failed.

SHRI SATYA PRAKASH MALAVIYA: Go.

SHRI B. SATYANARAYAN REDDY: I am coming to that.

The alternative is that you have to understand the problems sincerely.

आप एक दूसरे को लड़ाकर तमाशा नहीं देख सकते । यह आपको समझना होगा । यह कांग्रेस पार्टी की समस्या नहीं है, यह देश की समस्या है । आप नहीं समझोगे तो देश को खत्म कर दोगे और हम देशवासी देश को खत्म नहीं होने देंगे, आपके खेल को आगे नहीं बढ़ने देंगे ।

आपने एक चुनी हुई सरकार को भंग किया, चुनी हुई असेम्बली को भंग किया और इस समस्या को हल करने में नाकामयाब रहे । मैं चाहूंगा कि बुद्धिमानी से आप आगे हाथ बढ़ाइए और आपकी कुर्सी को बचाकर के ले जाइए, ऐसा नहीं करेंगे तो वह दिन बहुत करीब है जबकि लोग आपको गर्दन में हाथ डालकर, आपको बाहर निकाल देंगे और ऐसे लोगों को चुनेंगे जो बड़े माने में देश की अखंडता, देश की आजादी और लोगों की समस्याओं को हल कर सके । अगर आप नहीं समझोगे तो नतीजा बुरा होगा । (समय की घंटी)

तो देश के लोग अब ज्यादा बरदाश्त करने की स्थिति में नहीं हैं । आपने लोगों की समस्याओं को हल नहीं किया तो आप कर सकते हैं । यदि समस्या को हल करना चाहते हैं तो सारी राजनीतिक पार्टियों को कांफिडेंस में लीजिए, पंजाब

[Shri B. Satya Narayan Reddy]

के लोगों को कान्फिडेंस में लीजिए अगर इस देश को, इस समाज को ठीक रास्ते से ले जाना चाहते हैं तो उनको कॉफिडेंस में लीजिए। यह मत समझिए कि आप सर्वाधिकारी है। इसको भूल जाइए, तभी यह देश बच सकता है और यह समाज बच सकता है। जयहिन्द।

SHRI JASWANT SINGH (Rajasthan): Having opposed the enactment on NSA 1980 and the subsequent amendments to this Act in 1987, there is just no way in which I can convince myself to support this ordinance, or the subsequent legislation. I have some difficulties with it. I shall not repeat what earlier speakers have said or what I might have said in the debate on NSA, in 1980 or during the debate on amending it in 1987.

My first observation is that there is a tendency with all Governments—I do not charge just this Government with it—of monopolising legislative powers, even such powers as are acquired for a specific contingency or purpose, are never subsequenly shed. This is a common failing of all Governments. Powers keep on accumulating. The legislative ledger, as it were, of Governments keeps on building up. Nothing ever goes out. It is only a one-way street.

My second, and which is a very serious difficulty is about the misuse of power. On the misuse of power, I will give four examples. They relate to the misuse of the NSA and they are specific in the context of Punjab. The first instance is of the Tiwana Commission. I shall read from the conclusions of that Commission. Justice Tiwana's report has never been made public in Punjab. This House also has never had an opportunity even to see it, leave alone discuss it. The Commission concluded that the initial detention of every person being illegal and none of them having been produced before a Magistrate within 24 hours of the arrest, the Government thought it better to pass orders of detention under the National Security Act. The Government thought it better to pass orders of detention under the National Security Act... I am of the view that this kind of decision was taken by the Government that by interrogation of the detenues, it should be found out whether any of them can be connected with any criminal offences. This then necessitated the torture of detenus at the Ladhakothi jail." "It is for this reason of interrogation that Ladhakothi was declared as a jail, by a notification dated 31-5-1984." I am just reading parts of the conclusions. Sir "The Commission cited the affidavit of Shri Ajit Kumar, Special Secretary (Home) to Government of Punjab to corroborate this conclusion. It said "powers to interview these detenus in an atmosphere free from the minimum effect and vicinity of a large number of person suspected to have acted similarly with the same motivation." Sir it is very difficult to understand the construction of sentences and syntax. But, nevertheless, the attempt obviously is towards obmuscation. Then the Commission recommended action against 20 police officials, identified as having personally inflicted torture on various detenus, under different provisions of the Punjab Civil Services Punishment and Appeal (Rules), 1980. This matter, Sir, went to the Supreme Court and is a criminal writ petition No. 378/85, Shrimati Kamala Devi Chatopadhyay, a very eminent Indian whose credentials and non-political status are such that there will be very few who would stand to condemn her. The Supreme Court in the matter of criminal writ petition number 378|85 Kamala Devi Chatopadhyay versus State of Punjab had directed the respondent to submit as to what measures it has taken to enforce the recommendations of Justice C. S. Tiwana Commission of Inquiry. I cannot go into all aspects of Justice Tiwana's Commission findings. Subsequently the matter going to the Supreme Court is just a brief illustration of the misuse of powers acquired by the Government.

Sir, the other example that I would like to give very briefly relates to the latest report of the Amnesty International. I know that the reports of Amnesty International are not the most popular documents with the Government of India, indeed all kinds of political motivations are

attributed to the Amnesty's findings. Nevertheless, I as an Indian view with some concern when Amnesty International has this to say:

"The Indian Government faces violent opposition by armed groups advocating separatism, increased autonomy or revolutionary change in certain parts of the country. Under these difficult circumstances, the Government no doubt feels obliged to take stringent measures to maintain law and order..."

Then, it very briefly says:

"However, in Amnesty International's view, there is serious danger of innocent individuals falling victim to the widely defined powers which the Government has given to Members of the security forces under special laws to arrest, Detain and shoot to kill of such powers are used arbitrarily and in the areas where there is no armed conflict."

That is an example.

The third example of misuse of powers as has been mentioned by my eminent colleague, Mr Ram Jethmalani is certain members of the LTTE in Tamil Nadu, to start with being arrested under the Passports Act and subsequently now kept under detention under NSA and being tortured. These are merely illustrations, examples spread across the length and breadth of the country. It is not entirely relevant that in Gujarat thousands some of them old women, etc., were arrested under, not exactly under this provision but a similar provision. That misuse of provisions which the Government has continues to take place is the point that I am trying to make by this illustration. The Commission of Inquiry, the Supreme Court, the Amnesty International, individual cases, time does not permit me to elaborate all these things which take me to my next difficulty, Sir and that difficulty is that power acquired by the Government under the guise of either the Terrorist and Disruptive Activities Act or the National Security Act is applied dishonestly. These powers are applied selectively; their application is biased and there is an inefficient use of such power. So far as dishonest and biased application of power is concerned, I need not go into the famous examples of the manner in which a Suri is treated, or a Bachchan is treated or a Chadha is treated. The selective application of laws in their cases is not the immediate concern of this afternoon's debate. Nevertheless, there is one case, Sir, which to my mind, is a very disturbing example of the inefficient application of the Government's power. That Sir, is the release of Balbir Singh by the Supreme Court of India. Balbir Singh was charged with the murder of the late Prime Minister, a heinous offence, an offence committed by those that were entrusted with the responsibility of protecting her person, and an offence committed in her own house. A special investigating team is established by the Government to investigate as heinous a crime as the assassination of the Indian Prime Minister. Sir, I do not have to go into all the details of Balbir Singh's case. I believe that in the judgment that the Supreme Court has passed the release of Balbir Singh is the most telling evidence of the inefficient use of the powers of the State because the Supreme Court has gone to the extent of saying that case against Balbir Singh was framed; that he was not arrested when he is believed to have been arrested; that the documents found in possession were fabrication and that the police has not acted in a manner subserving the justice... (*Interruptions*)...

SHRI P. CHIDAMBARAM: I think, the hon. Member will yeild. I wish he will read the portion where they have used the word 'framed' and 'fabricated'.

SHRI JASWANT SINGH: I have not the judgement with me, Sir.

SHRI P. CHIDAMBARAM: You should say that. (*Interruptions*)

SHRI JASWANT SINGH: No, it is not for the Minister to tell me what I should say. (*Interruptions*)...

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): The Minister wanted you to quote correctly. (*Interruptions*)... He is not objecting to what you say... (*Interruptions*)...

SHRI JASWANT SINGH: If the Minister did not want me to quote... (*Interruption*). The Minister said, I should read out the judgment. I have got the judgment. Here are the words, Sir.

"The court had disbelieved the prosecution claim that Balbir Singh had been arrested on December 3, 1984. The wording of the judgment is, "arrest appears to be only a show and not an arrest in actuality. Balbir Singh has been maintaining that he has been picked up on November 1, 1984 and then taken to the Yamuna Velodrome and being kept in custody continuously since then. The court has also disbelieved the authenticity of the document claimed to have been recovered from him and in any case, the court goes on to say, even if the document is accepted to be written by the accused, still there is nothing in it on the basis of which an inference of conspiracy could be drawn... (*Interruptions*)...

SHRI P. CHIDAMBARAM: Sir, he is reading from a newspaper report.

I wish, the hon. Member, in usual fairness... (*Interruptions*)

SHRI JASWANT SINGH: Have you permitted the intervention?

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): No you yeilded at the first instance. (*Interruption*)....

SHRI JASWANT SINGH: Have you permitted the interruptions?

SHRI P. CHIDAMBARAM: If you yield, he will permit. (*Interruption*).. I said and I still maintain... (*Interruption*) He should not try to bamboozle us. He has several times interrupted. I interrupted him while he was using the word 'framed' and 'fabricated'.

SHRI JASWANT SINGH: It is not for the Minister to tell us what we have to say. I will authenticate this document and lay it on the Table of the House. It has my personal authentication. (*Interruption*)

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA) please go to your place, Mr. Jaswant Singh.

SHRI JASWANT SINGH: You contain the Minister. (*Interruptions*)

SHRI P. CHIDAMBARAM: He has no business to tell you, Mr. Vice-Chairman, what you should do. (*Interruptions*). He cannot use words like 'framed' and 'fabricated' that do not occur. (*Interruptions*).

SHRI JASWANT SINGH: You contain him.

SHRI P. CHIDAMBARAM: You cannot use the word 'fabricated'. (*Interruptions*). It is most unfair.

SHRI JASWANT SINGH: I have not used the word 'fabricated'. The Court has used the word. I have authenticated in by laying it on the Table of the House. (*Interruptions*).

SHRI SUKOMAL SEN (West Bengal): Sir, you have not allowed him to interrupt.

DR. G. VIJAYA MOHAN REDDY (Andhra Pradesh): The Minister has got a right to reply.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Interruptions are there in Parliamentary discussions. Please tare it in a lighter sense. (*Interruptions*).

SHRI P. CHIDAMBARAM: He is excited because I have asked him to quote. (*Interruptions*). I requested him. He yielded and the only statement I made is, "Please quote the portion where the words 'framed' and 'fabricated' have been used.

SHRI JASWANT SINGH: The courtesy of yielding is not for misusing the occasion by the hon. Minister.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Let us not discuss it. Please continue your speech.

SHRI JASWANT SINGH: The Minister is rebutting me on every sentence I use and you are choosing to contain only me. What is it that he is doing? On every sentence he is replying, He is entering into

a conversation with me And still you do not have the courtesy of containing him.

THE VICE-CHAIRMAN: (SHRI H. HANUMANTHAPPA): I have told him. I am telling you also. Please do not direct the Chair how to behave.

SHRI JASWANT SINGH: The Minister is threatening me on the floor of the House (*Interruptions*). The Minister is interrupting me on every sentence. What are you trying to do? He is...(*Interruptions*)... doing it constantly.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Mr. Jaswant Singh, you do not reply to that. Please continue your speech. I have told him also not to interrupt.

SHRI JASWANT SINGH: I was talking of biased, perverse and inefficient use of power. Biased, perverse and inefficeint use and misuse of power, we have just witnessed inside the House itself. You tell us to be convinced about your bona fides. When even inside the House we are not convinced about your bona fides, how are we going to be convinced about the application, proper application, of your bona fides outside the House? In the instance of the Balbir Singh's case, where a special investigation team investigated the murder, assassination, of a Prime Minister, the Supreme Court of the land has ruled what it has ruled, that the police have fabricated the case. When you talk of inefficient use of power. That is why I view with great apprehension...

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Please conclude now.

SHRI JASWANT SINGH: I view with such great apprehension any increase in power that you grant to this Government because it is always at the cost of the freedom of the individual, because it is at the cost of the structure of the Indian society. I put it to you that today, the greatest enemy of the Indian society has become the Indian State. There is no institution left in this country to which a citizen can turn for protection, to seek succour. If a citizen is in difficulty, he has really to look around to find where he is going to find protection from. This is the kind of measure and the kind of behaviour that the hon. Minister of State for Home has just demonstrated inside the House, which is a patent example of the developing fascistic tendencies in our State. A strong, just and compassionate State cannot be built on the foundation of prejudice, fear, bullying, anxiety or panic. The honourable Minister of State represents all of them in his behaviour. Such a State cannot survive on the plea that only the descendants of the Nehru clan and that too only as a dynasty can rule this country. In its time with equal force and supposed plausibility it was argued that there was no alternative...

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE (SHRI P. R. DAS MUNSHI): In a democracy people have the right to elect the party of their choice, the leader of their choice, to run the Government. The kind of terminology he is using is absolutely out of context. I hope the honourable Member understands this.

SHRI JASWANT SINGH: It has been argued, as the two honourable Ministers of State have now argued that Suharto was irreplaceable, that Marcos was irreplaceable. And indeed the most pernicious and potential....

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Lastly....

SHRI JASWANT SINGH: Lastly, if it delights you, as it delights you,....

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): There is no question of anything delighting me. I am not interested in the speech. I am interested in conducting the House.

SHRI JASWANT SINGH:... the most pernicious and potential fascist part of the present cult which the honourable Minister of State for Home Affairs represents, if he does not epitomise, is the slogan that equates political continuity of any one

[Shri Jaswant Singh]

regime on the ground that the nation is in danger, that the Indian State is threatened from within and without. The Supreme Court's judgment has found no such evidence, that any criticism like what we are engaged in now, exposure or unfolding of a wrong, is a destabilising act. Such thinking not only monopolises — and I am concluding — falsely all avenues of power; it also claims to be the sole arbiter and the only inheritor of all virtues, values and legacies, like in the present instance when justice is thrown overboard and populism of the most pernicious kind takes over. That is why I fear fascism. And one final word. To my mind, this Amendment in its application is turning out to be as destructive as it is because of all these self-appointed saviours; of the kind that the Home Minister has turned out to be not perhaps by design, because all of them do want to be saviours, or such is their fantasy anyway, but by the very psychology of politics that they generate, we become victims of it. That is what we are today becoming victims of; that is what just a few minutes back I became a victim of. That is why we continue to oppose such measures.

श्री ईश दत्त यादव (उत्तर प्रदेश) : उपसभाध्यक्ष जी, माननीय गृह मंत्री जी की ओर से इस सदन में जो नेशनल सिक्योरिटी अमेंडमेंट बिल, 1988 पेश किया गया है मैं इसका बहत जोरदार ढंग से विरोध कर रहा हूं और श्री जसवन्त सिंह जी तथा अन्य 7 माननीय सदस्यों द्वारा भारत के राष्ट्रपति द्वारा जारी किये गये अध्यादेश संख्या 4, 1988 को निरस्त करने के लिये जो मेंशन प्रस्तुत किया गया है मैं उसका समर्थन करता हूं। मैं इस बिल का इसलिये जबर्दस्त ढंग से विरोध कर रहा हूं क्योंकि यह सरकार इस कानून के जरिये तानाशाही की ओर बढ़ रही है। यह अघोषित इमरजेंसी, अनडिक्लेयर्ड इमरजेंसी के बराबर है। अंग्रेजों ने इस देश में एक कानून पास किया था, काला कानून पास किया था जिसमें यह कहा गया था कि नो अपील, नो दलील, नो वकील। न कोई बहस की गुंजाइश थी, न वकील की गुंजाइश थी, न कोई वकालत की गुंजाइश थी न कोई अदालत की गुंजाइश थी। हमारे गृह मंत्री जी इसी तरह का कानून चाहते हैं कि इस सदन द्वारा पास कर दिया जाये। पिछले वर्ष यह कानून एक साल के लिये बनाया गया था, जिनकी सीमा 8 जून, 1988 को समाप्त हो गई और फिर 8 जून, 1989 तक के लिये सरकार चाहती है कि इसकी मियाद और बढ़ा दी जाए।

माननीय, मैं इसका विरोध इसलिये कर रहा हूं कि अगर इस कानून का एक्सीक्यूशन हमारे गृह मंत्री जी या गृह राज्य मंत्री जी को करना रहता, तब तो हमारा थोड़ा यकीन रहता कि शायद इस कानून का दुरुपयोग नहीं होगा, लेकिन जिनके हाथ में यह कानून जायेगा, आई०ए०एस०, आई० पी०एस० आफिसर्ज के, पुलिस के लोगों के हाथ में जब यह कानून जायेगा, माननीय, मैं उनकी दो मिसालें रखना चाहता हूं। हमारे गृह राज्य मंत्री जी सदन में मौजूद हैं। इन्होंने अतारांकित प्रश्न संख्या 3442 जो इस सदन के वरिष्ठ और माननीय सदस्य, सत्य प्रकाश मालवीय जी तथा अन्य सदस्यों द्वारा पूछा गया था, उसके बारे में हमारे माननीय गृह राज्य मंत्री जी ने यह उत्तर दिया, 23 अगस्त, 1988 को—मैं एक मिनट में इनका उत्तर पढ़ देता हूं।

"Shrimati Roopam Deol Bajaj, an IAS officer of the Government of Punjab had lodged a complaint on 29-7-88 with the Inspector-General of Police, Chandigarh alleging misbehaviour by Shri K.P.S. Gill, Director-General of Police, Punjab at a private dinner party in Chandigarh on 18-7-88. The matter is being looked into by the Chandigarh police."

श्रीमन्, इन्हीं अधिकारियों के हाथ में यह कानून जाने वाला है, और किनके हाथ में जाने वाला है माननीय श्री सत्य प्रकाश मालवीय जी के एक और प्रश्न का उत्तर जिसे गृह राज्य मंत्री जी ने 9 अगस्त, 1988 को दिया

था, इसको भी मैं सामने ला देना चाहता हूं —

"326 trial prisoners are lodged in the Jodhpur jail and out of these prisoners, two were remanded and the remaining 324 are in the Jodhpur jail since February-March, 1985."

साढ़े तीन साल हो गये, क्या गुनाह है उनका ? अगर गुनाह है तो ट्रायल करिये । अगर गुनाह नहीं हैं, तो साढ़े तीन वर्षों से इनको जेल में क्यों बंद रखे हुये हैं ? एक और आज की पुलिस का नमूना दे रहा है, जिन के हाथ में माननीय गृह राज्य मंत्री जी चाहते हैं कि इस कानून को सुपुर्द किया जाये । मान्यवर, यह रीसेंट occurrence है, ताजी घटना है । पटियाला में पुलिस के सहायक सब-इंस्पेक्टर दलबीर सिंह ने 19 अगस्त को एक वरिष्ठ पुलिस अधिकारी तथा सी० आई०डी० पटियाला के अधिकारी को गोली मार करके हत्या कर दी गई और इसको जवाबी कार्यवाही में दलबीर सिंह को भी हत्या कर दी गई । आप ही बताइये कि इसमें से कौन उग्रवादी था ? वह इंस्पेक्टर उग्रवादी था या आई०जी०एम० अफसर उग्रवादी था ? (समय की घंटी) तो इस तरह से यह फोर्स फोर्स जिसके हाथ में जायेगा, वही इसका दुरुपयोग करेगी और राजनीतिक लोगों के लिये, ट्रेड यूनियन वालों के लिये और दूसरे लोगों के लिये यह इसका इस्तेमाल किया जायेगा और इसका दुरुपयोग किया जायेगा ।

मान्यवर, मुझे दो मिनट का समय और दें ।

श्री पद्म प्रसाद पांडेय : जब वह घंटी बज रही है, तो दो मिनट और होंगे ।

उपसभापति (श्री केदार पांडेय) : नहीं, नहीं वह आपकी अवधि होगी, लेकिन जब टाईम खत्म होता है, तभी घंटी बजती है ।

श्री ईश दत्त यादव : मान्यवर, मैं यह कह रहा था कि इस देश के अन्दर और पंजाब की समस्या से निपटने के लिये बहुत कानून हैं और यह सरकार तो इस देश को हमेशा इमरजेंसी में डाले रखना चाहती है । यहां मेंटेनेंस आफ इंटरनल सिक्यूरिटी ऐक्ट पास था, हमारे माननीय सदस्य, श्री सत्यनारायण रेड्डी जी जिसका जिक्र कर रहे थे पूरा देश जेलखाना हो गया था और देश के बड़े-बड़े नेता मोरारजी देसाई, जय प्रकाश नारायण और चौधरी चरण सिंह जैसे लोग जेल के अन्दर डाल दिये गये थे । हमारे जैसे साधारण कार्यकर्ताओं को भी 18 महीने जेल में रखा गया था । उस समय भी कोई गुंजइश नहीं थी कि किसी अदालत में कोई जा सके क्यों कि उस समय मीसा था और मान्यवर, इस समय नेशनल सैक्युरिटी ऐक्ट है जिसको आप पास कराना चाहते हैं । इसमें चाहते क्या हैं कि तीन महीने से ले करके 6 महीने तक को अवधि तक बिना एडवाइजरी कमेटी की एप्रूवल के किसी भी आदमी को जेल में रखेंगे । यह कहां का न्याय है । यह डेमोक्रेटिक कंट्री है । संविधान के अनुसार हमारा देश चलता है और हमारे इस देश में जो फंडामेंटल राइट्स को गारन्टी दी गई है उनको समाप्त करके आप चाहते हैं कि तीन महीने से ले करके 6 महीने को अवधि तक, बिना एडवाइजरी कमेटी की रिपोर्ट के, बिना उसके एप्रूवल के, किसी भी आदमी को जेल में डाल जाये । मान्यवर, इस सरकार की नीयत आतंकवाद को समाप्त करने की कतई नहीं है । अगर सरकार की मंशा इस आतंकवाद को समाप्त करने की रहती तो यह आतंकवाद कभी का समाप्त हो गया होता । लेकिन सरकार की मंशा ऐसी नहीं है । कभी भी विरोध पक्ष को राय यह सरकार नहीं लेती, उसका सहयोग नहीं लेती । मान्यवर, निर्णय यह हुआ था कि राजनीतिक दलों के सहयोग से पंजाब के अन्दर मार्च किया जायेगा और जनता से

[श्री ईश दत्त यादव]

मिला जायेगा । उग्रवादियों का विरोध किया जायेगा और उनका बायकाट किया जायेगा । लेकिन कभी इन्होंने ऐसा नहीं किया । हमारे गृह मंत्री जी माननीय बूटा सिंह जी सदन में मौजूद नहीं हैं, मैंने पेपर में पढ़ा कि यह पंजाब में गये, हजारों पुलिस के और सेक्युरिटी आफिसर्ज के संरक्षण में वह पंजाब के अन्दर गये । तो कहां जनता से संपर्क किया, कहां जनता से मिलने गये और कहां उग्रवादियों का बायकाट करने का उपाय निकाला । आपके पास तो अनेक कानून पड़े हुये हैं और आप उनका सहारा लीजिये, राजनीतिक दलों का सहयोग लीजिये और सद्बुद्धि तथा सदभावना से अगर आप चाहते हैं तो पंजाब की इस समस्या का हल आप निकाल सकते हैं पंजाब की समस्या को हल कर सकते हैं और उग्रवाद को भी समाप्त कर सकते हैं । लेकिन इस काले कानून के जरिये आप इस देश के अन्दर इमरजेंसी लागू नहीं करिये ।

इन्हीं शब्दों के साथ, मान्यवर, मैं इस काले कानून को देश की करोड़ों करोड़ जनता की भावनाओं से अपनी भावना को संबद्ध करते हुए हृदय से विरोध करता हूं ।

जय हिन्द ।

SHRI V. GOPALSAMY (Tamil Nadu): Mr. Vice-Chairman, Sir, I rise to oppose this Bill.

Sir, the country could not afford to forget those nightmarish days of our journey under the fascist rule, clouds of emergency. Sir, it is due to the verdict given by the Allahabad High Court on the election petition of Rae Bareilly when the leaders of the Opposition, including Shri Jayaprakash Narayan, addressed a big gathering at Ramlila Gronds that after the fall of dusk on that day they were taken into custody and detained in different jails of this country. I also suffered detention for more than twelve months. Till this day I do not know for what reason I was transferred from one Central prison to another Central prison.

Sir, the country paid a heavy price. The then rulers wanted to stifle the voice of the Opposition, throttle the voice of the Oppositon. Then they also paid a heavy price. For the first time since Independence, the most powerful Congress Party was dislodged from the saddle of power. Now our friends from the Congress Party are applauding and celebrating the great leader Kamraj. But, Sir, he was the saddest man then. When emergency was declared, when the leaders were detained, he expressed his agony and anguish. He expected that the leaders would be released on 2nd October, 1975, and the emergency would be revoked But alas! he got disappointed on that day i.e. the birth anniversary of Mahatma Gandhi. He died as a disappointed man. But now our leaders of the Congress Party are celebrating his birthday. When Madam Gandhi addressed a big gathering at the end of 1979 — of course, we had joined hands with the Congress (I) Party at that time — she expressed her regret for what had happened during emergency. MISA was misused. The emergency powers were grossly misused to silence the voice of the opposition. Now you have brought this Bill. But Sir the Government is using this weapon, a dangerous weapon, which empowers the Government to put anybody behind bars without giving him an opportunity to move the court of law. That is why, when this was brought by Sardar Vallabhbhai Patel, he expressed his sorrow. He said that it would be a one-year temporary feature. But it has become a permanent and draconian feature.

Sir, this Government has used this National Security Act for partisan purposes. That is why, the members of the LTTE with whom this Government was holding talks till recently, till the Prime Minister visited the State of Tamil Nadu, were taken into custody under the Passport Act. Then the court was moved to get bail for these LTTE members. But orders under MISA had been served saying that they are foreign nationals. They came here long ago to get succour solace support and shelter. You were holding talks with

them recently and you were saying that you had an agreement with them. Of course, they denied it. (*Time bell rings*). I will take only a couple of minutes. Their messengers were sent from here by our own military helicopters. They were assured that no harm would come to them by the top brass of the Research and Analysis Wing. But that messenger was shot by IPKF. I understand that it was because of the higher brasses of the IPKF that the talks were broken and these people were taken into custody. Sir, till this date, no specific charge has been made against these LTTE members. Even the top police officials of the State of Tamil Nadu clarified that they had no connections with the recent violent activities or robberies. I am afraid because some news has appeared in the Hindu also that some key figures of the LTTE may be taken for interrogation. That is atrocious. That means that third-degree methods could be applied. I do not say that you have applied third degree methods. I am afraid because I hope that this Government will not go to that extent of taking them for interrogation. Therefore, Sir, the NSA has been grossly misused against these members of the LTTE. I would request the hon. Minister to kindly reconsider the action you have taken to release them. Wherever they went throughout the world, they were given shelter, asylum, support, solace, succour. But when fifty million Tamils are citizens of this country and when these people came here you gave your hospitality, you treated them well in the past, now just to please the bloodthirsty regime of Sri Lanka, because Gamini Dissanayake expressed just a fortnight ago that IPKF is not doing its duty well and that the Indian Government is having soft corner towards LTTE, just to please that racist regime you have taken this unpardonable action. Therefore, Sir, once again I would request our hon. Minister to reconsider the action you have taken under this Act and release them forthwith.

SARDAR JAGJIT SINGH AURORA (Punjab): Mr. Vice-Chairman I rise to oppose the introduction of the National Security (Amendment) Bill, 1988. My objection to this Bill remains as it was last year. Before I start, I would like to mention that I wholeheartedly support what my hon. friends Shri Ram Jethmalani and Shri Jaswant Singh have already said about this Bill. I do not wish to repeat those arguments. My objection to this Bill very briefly is that it is anti-people, anti-democratic and is bad in law. It smells of governmental dictatorial tendencies. It leads to mal-practices. It enables the Government with its manipulative propensities to destabilise Punjab instead of settling it and this is done to serve its own Party's interests and not that of the people or the country. This Act has been in being since 1980 when Mrs. Gandhi came back to power. I wish an analysis is done now to see how many people have been put away for a year or two without any trial without any justification, how much they have suffered subsequently emotionally and economically, how much bitterness has been created and has it really done any good at all either for the country or well-being of the people. It does need an objective analysis to look at te pluses and minuses before we continue with this type of a Bill.

It has almost become a routine 5 P.M. and therefore, it has resulted in the law-maintaining authorities becoming inefficient and slipshod. They do not have to carry out either proper investigation or prepare a case in order to go to the court to get a conviction. Laws like this give an opportunity to inefficient and dishonest law and order authorities to misuse them for self-aggrandisement. How can one blame the police forces when the Government itself is apt to misuse it for its own selfish and self-serving advantage? If this law is meant purely to deal with terrorists, as claimed by the Minister of State for Home Affairs, I cannot understand why respectable Akali leaders whose faith in the integrity of the country is undoubted and who believe in non-violence, have been locked away under this Bill for such long periods. I may mention that even Sant Harchand Singh Longowal had been locked away under this Act.

The next point that I would like to mention is, I cannot understand why an Ordinance had to be promulgated once a-

[Saardar Jagjit Singh Aurora]

ain in June when the House was in session earlier. This could have been introduced as a normal Bill as now. The Minister, day before yesterday, said that when the Parliament is not in session, the Government has the right to make laws. Agreed. But when a Bill can be forseen during the Parliament session, why not pass it and let the Parliament discuss it, without first making it into an Ordinance and then presenting a *fait accompli* to the Parliament so that it has to be passed? This again smells manipulative tendencies of this Government, and I do consider it an insult to Parliamentary democracy.

The next point is that we may accept a Draconian law if we were convinced that the Government is sincere, and even-handed when dealing with a guilty and punishing him, in respect of the laws that it makes and is meticulous and honest in its application. On the other hand, the record of this Government shows that it has double standards and it is discriminatory in the application of not only this law but every other law that has been made in the last few years. If I am not mistaken, there are more than 16 of them.

In spite of the Government's best efforts to hide its nefarious doings, the Amnesty International has finally caught up with it. For the biggest democracy, to have these strictures passed, is shameful. It is no use saying that we take no notice of it or we owe no explanation to any organisation which is outside the country. We have known inside the country that these wrong-doings have been taking place for the last so many years. Eventually it had to come out; it could not be kept hidden for ever. This Government has always been extraordinarily conscious about its international image. Now that the cat is out of the bag, the grape seems to be sour.

My hon. friend, Jaswant Singh, talked about Balbir Singh's case. It reminds me that it was not only Balbir Singh against whom this case was fabricated. They tried to bring in three other people to support this fabrication. When these three people, Avtar Singh, Gurbux Singh and Varinder Singh, refused to play the game, they were dealt with as follows. Avtar Singh was put away under the National Security Act for a year. His only crime was that he knew Balbir Singh. He was serving in the Reserve Bank of India and Balbir Singh used to go and meet him as Avtar Singh's younger brother and Balbir Singh were in the police together. When they could not persuade him to give a statement against Balbir Singh he was put away under the National Security Act. When he came out after a year, the Reserve Bank of India served a show-cause notice on him and dispensed with his services which was *totally illegal. The other two people,* because they did not co-operate with the police, are being hounded out even today. Ever so often, police go and visit their houses and create problems for them. Gurbux Singh's business is at a standstill. He had to sell his house because he was made so unpopular - deliberately by the police-with his neighbours.

Now, if this is the way the police is going to work and if this is the way the National Security Act is being used, you can well imagine whether this is an Act which is really being used to fight terrorism or it is being used to intimidate people to give false statement, to be a party to fabrication.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Please conclude.

SARDAR JAGJIT SINGH AURORA: I do not wish to repeat what I have already said about the Government's record, a shameful record in relation to the November, 1984, victims and their keeping innocent people—those in the Jodhpur jail and others — incarcerated for years without bringing them in front of courts for trial or setting them free. But I would like to reiterate that this Bill and such other black laws create greater bitterness greater alienation and greater loss of faith in the present Government. The Government cannot browbeat people into submission. The Government has to see

its own house in order and rectify its wrong-doings. Only then, will it succeed and have the moral right to achieve success. Thank you.

PROF. SOURENDRA BHATTACHARJEE (West Bengal): Mr. Vice-Chairman, Sir, the Bill has to be opposed in principle because the Act, to which it is an amendment is, in itself, repungant to democratic principles, democratic society and democratic State system. It is claimed that our country is so big that such an Act is a total misfit. But the fact remains that the biggest democracy of the world has seldom been without such repressive measures such detention without trial and other repressive Act. At present this is not the only repressive Act in the armoury of the Government. But I have objection on other grounds also. This Ordinance was introduced specially for Punjab. The sword of the 59th Amendment of the Constitution already stands suspended on the people of Punjab. If the Government thinks it fit, emergency can be foisted on Punjab. There are other Acts, like the Anti-Terrorists Act, Suppression of Terrorists Activities Act, Disturbed Areas Act. This systematic programme of special provisions for Punjab may not be best designed to restore normal conditions in Punjab. The more the number of Acts passed to set apart Punjab from the rest of the country, the more perhaps the situation is allowed to deteriorate. There is talk of improvement. Had there been improvement everybody would have been happy. But the spree of killing, the unabated killing, in spite of so many Draconian laws, only goes to prove that Draconian laws cannot improve matters in a State like Punjab where the problem is not essentially a law-and-order problem. A more comprehensive approach is necessary. To see the siuation as in the imperialist days through the looking glass of just law and order would be a grave mistake unpardonable in the government of a free country.

The National Security Act in itself is obonoxious. But at the same time, the steps which are being taken one after the other, the repressive measures which are being foisted on the people of Punjab, do not take us nearer to the solution of the Punjab problem. Had it been so, how could stories circulate that an errant Director-General of Police has to be protected so that anti-terrorist action does not weaken? This is a very convoluted logic and at the same time a very atrocious logic, totally repugnant to all civilised norms. Whatever has happened in Punjab involving the Director-General of Police and a senior IAS officer of the opposite sex is something which is rather unthinkable. In the presence of the top echelons of the Punjab Government, this thing happened and there has been no action in the matter. The lady victim is reported to have been advised by the Governor to go slow in the matter. If tackling of the Punjab situation means stooping so low, we must think not only twice but many times before having recourse to such coercive methods in Punjab like this Amendment Bill.

I would, therefore, oppose this Bill. The Government is sure to get this draconian Bill through as the original Bill. They are confident of their majority vote. But the situation is fast approaching when such majority votes would not be able to protect them and this majority may prove to be very elusive in the not too distant future. But then let them be aware of their history, of their record by which people will judge them.

Thank you, Mr. Vice-Chairman.

श्री सत्य प्रकाश मालवीय : मान्यवर, इस परिनियत संकल्प पर श्री राम जेठमलानी, श्री हनुमंत राव, श्री बी०, सत्यनारायण रेड्डी, श्री जसवत सिंह, श्री ईश दत्त यादव, श्री वी० गोपालसामी सरदार जगजीत सिंह अरोड़ा और प्रो० सौरीन्द्र भट्टाचार्य साहब ने अपने विचार व्यक्त किये और इन 8 माननीय सदस्यों ने इस परिनियत संकल्प का समर्थन किया और विधेयक का जोरदार विरोध किया । केवल माननीय दरबारा सिंह जी ने विधेयक का समर्थन किया है और जो माननीय सदस्य ने कारण बताए हैं शुरू में जो मैंने संकल्प प्रस्तुत किया था उसके बाद जो मंत्री महोदय

[श्री सत्यप्रकाश मालवीय]

ने उत्तर दिया था उससे मैं संतुष्ट नहीं हूं । इसका कारण यह है कि पिछले चार सालों में करीब-करीब 14 हजार लोगों की हत्याएं सरकारी आंकड़ों के हिसाब से निर्दोष लोगों की हत्याएं पंजाब में हो चुकी हैं और पंजाब समस्या के समाधान के नाम पर 18 विधेयक सदन पारित कर चुका है और इसके इलावा जो 59वां संविधान संशोधन विधेयक है जिसके अन्तर्गत पंजाब में आपातकालीन स्थिति को लागू करने की व्यवस्था की गई है । मैं सरकार से पुनः अनुरोध करूंगा कि क्योंकि सरकार इस सिलसिले में जो आश्वासन देती है उस आश्वासन का बार-बार उल्लंघन होता है । सरकार कहती है कि इस कानून का दुरुपयोग नहीं किया जाएगा लेकिन इस कानून का दुरुपयोग किया जाता है । सरकार कहती है कि इस कानून का दुरुपयोग राजनीतिक व्यक्तियों के खिलाफ नहीं किया जाएगा लेकिन कम से कम मैंने तीन चार नाम ऐसे गिनाए हैं जो राष्ट्रीय स्तर के नेता हैं और राजनीतिज्ञ हैं मुख्य मन्त्री भी रहे हैं नाम मैं दोहराना नहीं चाहूंगा । राज्य सभा के सदस्य रहे हैं । श्री प्रकाश सिंह बादल, गुरचरण सिंह टोहड़ा, श्री सुखजिन्दर सिंह और श्री सुरजीत सिंह बरनाला, इनके खिलाफ इसका दुरुपयोग हुआ है और इनमें से तीन तो आज भी जेल में बिना मुकदमा चलाए बन्द हैं । इसलिए मैं सरकार से अनुरोध करूंगा कि अपनी जिद पर न अड़े और इस बिल को वापिस लेने की कृपा करे । (समाप्त)

SHRI P. CHIDAMBARAM: I am grateful to the hon. Members who participated in this debate. Of course, one who listens to Malaviya Ji or reads the record, will, perhaps get a wrong conclusion that there was only one Member who supported this Bill. It is because one Member spoke in support of the Bill. But that does not mean that only one member supports the Bill. A large number of Members support the Bill because they realise that there is a need for this Bill and that Government is asking powers from Parliament only to the extent that it is required to meet a grave and emergent situation in Punjab.

A question was asked as to why we persist with a law of preventive detention. This question has been asked so many times and has been answered so many times. I can only comment that one section believes that the founding fathers who put a provision for preventive detention in the constitution were farsighted and were wise and they knew the dangers that were ahead of an infant nation and an infant republic, while the other section would like to close its eyes to reality, would like to be blind to what is happening aroimd us and would simply stand by while anti-national and destructive forces try to destroy the fabric of our polity and our society.

Mr. Jethmalani found many faults with this Bill. Not so much with this Bill as with the National Security Act itself. I was curious. Therefore, I went back to the Law Reports of the year 1980 and I was not surprised to find that most of the criticisms that he levelled against the Act and the Bill were, in fact, arguments which he had advanced before the Supreme Court and which had been rejected by the Supreme Court. He is not here. Therefore, I would not take the time of the House to quote from the relevant law reports.

SHRI SATYA PRAKASH MALAVIYA: But he said this on the floor of the House.

SHRI P. CHIDAMBARAM: Yes. I am not saying he should not. He would characterise our Advisory Boards as inferior Advisory Boards. I do not think that our Boards are inferior Advisory Boards or that our Boards do not discharge their duties.

The House also heard Mr. Satyanarayan Reddy. I would like to believe his anger was simulated. I could not quite understand the thrust of his arguments, which, I think, were mostly intemperate attacks on the Government and the policies of the Government. It is not the Central Government which invokes the National Security Act and detains all and

sundry. It is not as if there are no checks and restraints in the exercise of power. It might interest Mr. Satyanarayan Reddy to know that in the State of Andhra Pradesh since the National Security Act, 1980 was brought into force and until 30th June, 1988, 364 persons were ordered to be detained. 364 persons were ordered to be detained out of which 215 were released by the State Government itself.

SHRI B. SATYANARAYAN REDDY: We are against such Acts. So you withdraw this Bill ...*(Interruptions)*....

SHRI P. CHIDAMBARAM: Truth is bitter but occasionally one must lend one's ears to truth. 364 persons were ordered to be detained, 215 were released by the State Government. I am willing to concede to the State Government in good sense in releasing 215 people. 35 were released by the Advisory Boards. 110 were released by the courts. 4 are absconding leaving the rather startling result that not a single detention order has been upheld by anyone. In fact, in Punjab, the record is much better. In Punjab since the Act was brought into force in 1980 and until the 30th June, 1988, 1,703 orders of detention were made. 898 were released by the State Government and if I concede to the Government of Andhra Pradesh good sense and application of mind, I must also concede to the Government of Punjab good sense and application of mind. 529 were released by the Advisory Boards which puts paid to all arguments that the Advisory Boards are inferior Advisory Boards. I do not know what the Hon. Member, Mr. Jethmalani meant when he characterised the Boards as inferior Boards. A Board is headed by a Judge of the High Court and other members are either serving or retired Judges of the High Court or persons qualified to be appointed as Judges of the High Court I do not have with me, at the moment, the present composition of the Board in Punjab. But the fact remains that in Punjab, the Advisory Boards have released 529 persons. 108 were ordered to be released by the courts which means again that the courts are not simply putting their seal of approval on the orders of detention but they are willing to look into the matter and if they find that there has been any non-compliance with the law, either procedural or substantive, the courts are releasing detenus. 20 are absconding but 148 persons were still under detention as on 30th June, 1988. It may be that some of them went to the courts and their petitions were turned down. It may be that some of them did not go to court at all. But the record of Punjab is certainly far better than the record of Andhra Pradesh as it appears to me from the facts before me.

Sir, reliance was placed on the Amnesty International report. In my opening remarks I said the Government of India does not attach value to the Amnesty International's report and will not answer the Amnesty International. We are before you every day and we will answer every question which you ask us in Parliament. The Government of India is answerable only to the Parliament of India and is not answerable to any foreign body whose motives are well-known Sir, what kind of picture is the Amnesty International presenting in a period of eight years? In a country where terrorism stalks one part of the country, where there are divisive movements, separatist movements, mafia groups in certain belts of this country, communal forces, anti-national forces, reactionary forces in a country which is torn by so much division and so much strike, in a period of eight years, all the States put together in India, have passed orders of detention in only 9,924 cases. I am not saying...*(Interruptions)*... I will yield in a minute. Let me complete this portion. I am not saying that 9,924 orders of detention are good or bad. I am not making any statistical evaluation of this. The point I am trying to make is, let us not be carried away by what Amnesty International says. Even if one person is detained in violation of his fundamental rights, I think, to that extent, there has been a violation of law and justice and that should be corrected. But let us keep things in perspective. *(Interruptions)*.. I am yielding in a minute. I am going to yield to you. I just want to complete this portion. Let us keep things in perspective. In a period of eight years, 9,924 orders

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were passed, by all the States put together and we are today in a situation where no party can point its finger at another party because every party is either a ruling party or an ally of a ruling party in some State. Out of this almost one half, 4,316 were released by the State Governments themselves which means, they were released well before the period of three months; 2,888 were released by the Advisory Boards, which means shortly after a period of three months, 2039 were ordered to be released by the court which could mean anything between three months to 1 year or 2 years and 98 had absconded. As on 30th of June, 1988, only 583 persons were under detention, yet the Amnesty International will write a report saying that the human rights of thousands and thousands of Indians are being violated and you want the Parliament and the people of this country to accept such a report. Sir, the Government position is, we will reject that report. We will not attach any value to that document. It is a motivated document and I am sure that the Government's position on the Amnesty International document will be accepted by the people of this country.

SHRI B. SATYANARAYAN REDDY: Sir, Mr. Chidambaram was comparing Andhra Pradesh with Punjab. I would like to tell him that we have been opposing the Act itself, even the earlier Act so that there should be no scope for any Government to use this against anybody. The other thing which I would like to tell the hon. Minister is, the detention in Punjab is of political nature. Political leaders have been arrested. I would like to know from him whether Andhra Pradesh Government has detained any political leaders under this Act. No political leader has been detained in Andhra Pradesh under this Act.

SHRI P. CHIDAMBARAM: I do not know, Mr. Reddy. (*Interruptions*).

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Now, you have made your point, Mr. Reddy.

SHRI P. CHIDAMBARAM: Sir, I do not know whether the Government of Andhra Pradesh has detained a political leader. All that I know is, not a single order of detention passed by the Government of Andhra Pradesh has been upheld by anyone. That is all I know.

(*Interruptions*)

SARDAR JAGJIT SINGH AURORA: How many people are in detention in Punjab now?

SHRI P. CHIDAMBARAM: I gave you the figures. In Punjab, as on the 30th of June, 1988, according to figures available with me, 148 persons are under detention.

SARDAR JAGJIT SINGH AURORA: That is under NSA. What about the total?

SHRI P. CHIDAMBARAM: Others are arrested and kept in judicial custody. The concept of detention under NSA is different from the concept of judicial custody. I do not have the figures. How can I know? (*Interruptions*)...

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): You asked and he has given the figures.

SHRI P. CHIDAMBARAM: Sir, people are arrested for theft, people are arrested for murder, people are arrested for robbery, people are given to police custody, people are given to judicial custody. I do not have the numbers.

SARDAR JAGJIT SINGH AURORA: Reading in the papers, it appears that there is no crime whatsoever in Punjab for so many years except the cases of terrorism.

SHRI P. CHIDAMBARAM: I do not know. How do I know? (*Interruptions*)... We are dealing with detention. I am answering a specific point namely that the Amnesty International is trying to paint a very black picture of human rights violation in India and the hon. Member quoting from that report. I think, it is unfair, I think it is incorrect, I think it is misplaced faith in the veracity of the Amnesty Internatonal's report. And the Government's positon is, we will not answer Amnesty International: we will answer only Parliament.

SARDAR JAGJIT SINGH AURORA: You may not. But you have not counted the people who are in Jodhpur prison in this.

SHRI P. CHIDAMBARAM: Let me say a word about Jodhpur again. The people who are in Jodhpur prison are not detenus. They are under-trials. There is a vast difference between an under-trial and a detenu. (*Interruptions*). The people in Jodhpur prison are not detenus. They have been charged with specific offences. Chargesheets have been filed. On a preliminary issue, the matter has been taken up to the Supreme Court. It is the Supreme Court which has granted stay of the trial. Our position is, unlike the hon. Members who made a point of this, we are not going to use Jodhpur as a political card. From the speeches made, I can say they want to use Jodhpur as a political card. As far as we are concerned, we are not going to use Jodhpur as a political card.

SARDAR JAGJIT SINGH AURORA: The Prime Minister has said that.

SHRI P. CHIDAMBARAM: The Prime Minister has said Jodhpur is not a political card. And however much we are provoked, as far as we are concerned, Jodhpur is not a political card. Jodhpur is a case which has been instituted against a certain number of people. From time to time, we review that case and if we are satisfied that having regard to the period during which they have been in prison and the evidence and the investigation reports, any persons have to be released, the Government's position is that they will release the Jodhpur under-trials. In fact, the Government has released 40 Jodhpur under-trials. And I do not think a reference to Jodhpur is relevant at all in a discussion on the preventive detention law because Jodhpur under-trials are not detenus under the N.S.A. (*Interruptions*).

Sir, we come back to the substance of this law. What does this law do? As I said in my opening remarks, the law does no more than merely give extended periods for the executive to comply with procedural and substantive provisions. For example, where the period has been fixed as seven days, the law says the period will be 15 days: where the period has been fixed as 15 days, the law says 21 days; and so on and so forth. Why is this so? This is so because from the figures which I gave you on the conditions in Punjab we find that the executive has, from time to time, to make a certain number of detention orders. But the executive requires time to review them; it requires time to take the cases before the Advisory Board; it requires time to defend these cases before the courts. And if you pin down the executive to the period stipulated in the original Act, invariably or more likely than not, the executive is likely to default in complying with the procedural provisions and even a case where there is a solid and good ground to detain a person, if there is even the least violation of any procedural provision, the Advisory Board and the courts are obliged to set the prisoner at liberty. That is how the detention law is administered in this country and that is how it should be. Even if the ground of detention is served one day late or a copy of a document is not given or a translation is not given or if there is any minor infraction of the N.S.A., it will result in the prisoner being set at liberty. I have no quarrel with that position. I affirm that positon of law. That is how it should be. But for that very reason, we need to give a little more time to the executive to comply with the procedural and substantive provisions. You cannot ask the Government of Punjab to bear this tremendous burden of fighting terrorism. If you give it this battle-weapon of NSA and yet ask the Government to stick to the same periods which are given to every other State, it is simply not possible. For example, a State may have only half a dozen cases under the NSA arising in a year. Surely they can comply with the procedural and substantive provisions within the time stipulated. But in a situation where we find that over a thousand or a thousand and five hundred orders are to be passed over a period of time—and some of these are reviewed by the State Government—I think it is only fair and proper that the people of this country accept this position and that Parliament give to the administration in

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Punjab and Chandigarh a little more time to comply with each procedural step. And that is all that this law does. I don't think that this law does any more and I think there is no need to read more into this law than what the Bill contains on the face of t. This Bill is identical; in fact, it amends one clause of the Bill which was passed into Act last year. All that we say is you have given us the powers up to the 8th June 1988: please give us the same power up to the 8th June 1989.

There was a reference to fake encounters. I think this argument must be met squarely. From time to time we have tried to answer this. Yet I find honourable Members speaking about fake encounters as though they have personal knowledge about fake encounters or as though they are willing to produce evidence of fake encounters. The question of fake encounters came up last year mainly in Faridkot district. As many as 25 terrorists were killed in encounters with security forces during the period May 1987 to the 1st of July 1987. This was shortly after President's rule was promulgated. During the same period 28 persons which included 19 Sikhs and 4 Hindus were killed at the hands of terrorists and 5 policemen were also killed. When this bogey of fake encounters was raised in Punjab the Government of Punjab issued a public appeal through newspapers inviting people to come before the authorities and give evidence of any fake encounter or even give information which they may have in their possession about fake encounters. In spite of repeated appeals none came forward with any specific details of innocent persons being killed in so-called fake encounters. The number of encounters has increased after Preident's rule Why is that so? It is so because for the first time para-military forces are engaged in aggressive naka and ambush operations. They are not passive. They are not glued to a static position. Para-military forces are moving in the countryside after dusk setting up nakas and setting up ambushes and are capturing the terrorists who had practically the run of the countryside in Punjab before President's rule was enforced. The Punjab Government published a list of the 25 terrorists who were killed. I have the list with me. 1) Jaswant Singh, resident of Kilichahan, PS Maini; 2) Sukhdev Singh; 3) Babu Singh and so on and so forth. The Government of Punjab also published the crimes in which each one of these terrorists was involved in the past, and the Government of Punjab put out the circumstances, the date, the place in which each one of them was killed in an encounter. Not one person has come forward with any concrete evidence about a fake encounter. This is, of course, for the period which I referred to. If there have been fake encounters in Punjab I am willing to receive information and evidence about fake encounters. Will honourable Members who have knowledge about fake encounters who have information about fake encounters, please come forward and share with the Government of India their information and knowledge about such fake encounters? I promise if there is evidence or information or knowledge leading to information or information leading to intelligence about fake encounters, please give it to us and we shall not hesitate to take action against the people involved in fake encounters. Look what happened a few days ago. An Assistant Sub-Inspectors of Police, who was involved with the terrorists and in bank robbery, was suspected and was called for the purpose of interrogation. Unfortunately, due to a great lapse, due to carelessness, two senior police officers, who called this ASI for interrogation, were shot dead by that very ASI. If the senior police officers did nothing, if they just sat back in their police stations and if they and their officers did nothing, nothing would have happened and you will not put forward this bogey of fake encounters. It is because for the first time in the last twelve months, particularly during the last six months, the senior police officers are willing to risk their lives, are willing to pull up their erring subordinates, are willing to lead Naka

parties, are willing to lead ambushes, and are willing to go on patrol at night, that we have eliminated so many terrorists. How does one eliminate Labh Singh, how does one eliminate Brahma, except in an encounter and ambush? And what are we talking about? Are we shedding tears for Labh Singh and Brahma? We have lost senior police officers. Many of them I know and only the other day we lost Shri Sital Das and Shri Brar, brilliant officers. I had the privilege of knowing Mr. Sital Das, a fine officer. Tears welled up in my eyes when I heard that Mr. Sital Das had been killed. There is no reason why Mr. Sital Das should have been killed. If Mr. Sital Das had sat in his office, in his police station, and did nothing except signing the files, this would not have happened, and he would not have been killed. But he was an officer who was willing to pull up the subordinates, who was not willing to tolerate corruption and who was willing to lead ambush parties while we sit in the comfort of this Chamber and criticise the police officers in Punjab and say that nothing is being done. I have repeatedly spoken with anguish on this. Let us not condemn the police of Punjab and the administration of Punjab. If they are fighting a battle today against terrorism, it is a battle they are fighting for the whole of India, for the people of India, and let us not condemn wholesale by saying that there are fake encounters. If there is specific intelligence, if there is specific information, please give it to me and howsoever high that officer in Punjab may be, however high he may be, I promise that we will take action against him or against anyone indulging in fake encounters... *(Interruptions)*...

Sir, throughout the day, throughout this debate, you would have noticed, I did not rise to interrupt anyone except in one case and I rose to interrupt after I asked for permission and asked whether the honourable Member would yield. He yielded and I asked him one question and, unfortunately, that question turned out to be an inconvenient one! I asked him only one question. He used the words "framed" and "fabricated". My reading of the judgement may be inadequate, my recall may be poor. So, I asked him, "If you are using the word "framed" and the word "fabricated", will you please quote from that portion of the judgment which uses the words "framed" and "fabricated"?". That sparked off what I call a name-calling spree and he started calling me names. He can call me names and that is a different matter. He not only called me names, but he also made snide remarks against Jawaharlal Nehru, against Shrimati Indira Gandhi and against Shri Rajiv Gandhi, by clubbing all of them together and calling them as being of the same clan.

Sir, if the people of this country elected and put in office Jawaharlal Nehru for seventeen years, if the people of this country elected and put in office Shrimati Indira Gandhi for sixteen years, and if the people of this country elected and put in office Shri Rajiv Gandhi since 1984, I would only say that he should not confine his intemperate attacks on them to this House only. Let him go out to the people and call them names there and the people will give a fitting answer. Let him go to the ballot box and they will give a fitting answer... *(Interruptions)*...

SHRI SATYA PRAKASH MALAVIYA: The people are going to give you a fitting answer... *(Interruptions)*... They will give a fitting answer.

SHRI P. CHIDAMBARAM: Sir, hard words do not break any bones. I have got a very great regard for Mr. Jaswant Singh. He has used very hard words and he has used harsh words. But I will not reply or describe him or characterise him by using any such words. I can only recall what I told him earlier that these are words of sound and fury signifying nothing.

Sir, Mr. Gopalsamy, another honourable Member, referred to the LTTE. I am very grateful to him for contradicting Mr. Jaswant Singh. Mr. Jaswant Singh went to the extent of saying that the LTTE members are being tortured in Tamil Nadu. I am grateful to Mr. Gopalsamy because he said nobody is being tortured, nor are third-degree methods being used. Mr. Gopalsamy being closer

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to Tamil Nadu is perhaps closer to truth than Mr. Jaswant Singh who is far removed from Tamil Nadu. I am willing to look into the matter. It is not the Government which has directed that anybody should be detained. I know that a large numebr of LTTE members have been detained. We will look into the circumstances under which they have been detained by the State Government. There has been a rash of violent activities in Tamil Nadu culminating in a very notorious bank robbery in Madurai. Some rather surprising developments have come out in the Madurai bank robbery. I do not wish to say anything now because that might prejudice the case. Mr. Gopalsamy knows very well that some startling revelations have been made following the investigations into the Madurai bank robbery case and perhaps, therefore, the Government of Tamil Nadu has taken some pre-emptive action. I am willing to look into it. I am willing to see what sould be done. We will talk to the Governor. We will talk to the Administration. Please don't go away with the impression that it is the Government of India which directed that the LTTE men or anybody should be arrested. We will look into the compulsions of the local Government.

SHRI V. GOPALSAMY: When I was making my submission, I expressed my fear. According to the Press reports, some members of the LTTE, the key figures, may be taken for interrogation. So I am afraid that third degree methods could be applied against them. Therefore, I made my request. One more thing, Sir. Till this date, the hon. Minister also knows well because he is having more access to what is happening there through Government agencies—till this date, no charge has been proved against the LTTE members. They were never involved in such violence or anti-social activities. Of course, some activities have taken place and some of the disgruntled members belonging to some groups or belonging to no group also are also involved in it. But the LTTE is not at all involved in this. Therefore, I hope my request.... *(Interruptions)* Mr. Subramanian Swamy, I have not yet completed. *(Interruptions)*

SHRI SUBRAMANIAN SWAMY (Uttar Pradesh): He is yielding.

SHRI P. CHIDAMBARAM: He is not to yield; I have to yield. *(Interruptions)*

SHRI V. GOPALSAMY: Therefore, I made my request to the hon. Minister to take action to release them. That was my request.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): He said that he would look into it. *(Interruptions)* Please sit down, Mr. Swamy.

SHRI P. CHIDAMBARAM: I am not yielding. *(Interruptions)*

SHRI SUBRAMANIAN SWAMY: Only one thing I would say. The LTTE... *(Interruptions)* They should also prevail upon them not to bring out publications attacking Indian politicians. In fact, there are a number of publications—I have got one in my possession—where they are attacking politicians in very filthy terms. This is interference... *(Interruptions)*

SHRI V. GOPALSAMY: They have got every right to criticize the agents of the Government. *(Interruptions)*

SHRI SUBRAMANIAN SWAMY: In that case you should take due action on that basis. *(Interruptions)*

SHRI V. GOPALSAMY: Now the cat has come out of the bag. *(Interruptions)* Who is the agent of the Government? It has been proved. *(Interruptions)*

SHRI P. CHIDAMBARAM: It does not speak well for the seven-party front to quarrel inside the House. *(Interruptions)* I am glad that the seven-member front is starting with such a unanimity of view! *(Interruptions)* All I can say, Mr. Gopalsamy, is: yes, I will look into the matter. But I am absolutely sure in my mind that nobody will be ill-treated, nobody will be maltreated. There are some starling things coming out in the investigation and we cannot run away from

our responsibility of maintaining law and order. And we must also keep in mind that the LTTE does not have unfettered, absolute right to comment on the policies and politics of India. They are here as refugees, and I think they have to be here as refugees or asylum seekers within certain limits. (*Interruptions*)

SHRI V. GOPALSAMY: You said 'slaves'... (*Interruptions*)

SHRI P. CHIDAMBARAM: I have not used the word 'salve'. Mr. Gopalsamy, I used the words 'refugee' and 'asylum seekers'. Don't put words in my mouth.

SHRI V. GOPALSAMY: I am not...

SHRI P. CHIDAMBARAM: You did. I said that a refugee or asylum seeker has to function, to live, here, within certain limits. Sir, those limits have to be enforced, whether it is the LTTE or any other organisation. I do not wish to take more time of the House. I once again humbly submit that the House may kindly see the purpose of this Bill. It is for a special situation and for a period of one year only. There is no evidence that these powers have been misused in Punjab. The Parliament gave us these powers last year. I think the Parliament should give us the same powers so that the emergent and grave situation in Punjab can be effectively met by using this Act, if necessary. Thank you, Sir.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): I shall first put the Statutory Resolution moved by Shri Satya Prakash Malaviya to vote.

The question is:

"That this House disapproves of the National Security (Amendment) Ordinance, 1988 (No. 4 of 1988) promulgated by the President on the 26th May, 1988."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Now the question is:

"That the Bill further to amend the National Security Act, 1980, in its application to the State of Punjab and the Union Territory of Chandigarh, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Now, we shall take up clause-by-clause consideration of the Bill.

Clause 2 and 3 were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI P. CHIDAMBARAM: Sir, I move:

"That the Bill be passed."

The question was put and the motion was adopted.

ALLOCATION OF TIME FOR DISPOSAL OF GOVERNMENT LEGISLATIVE AND OTHER BUSINESS

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): I have to inform Members that the Business Advisory Committee at its meeting held today, the 23rd August, 1988, allotted time for Government Legislative and other Business as follows:—

Business	Time Allotted
1. Discussion on the Statutory Resolution seeking disapproval of the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Ordinance, 1988 and consideration and passing of the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Bill, 1988, as passed by the Lok Sabha.	2 hrs.